

AMENDED IN ASSEMBLY JULY 13, 2009

SENATE BILL

No. 478

Introduced by Senator Wolk

February 26, 2009

An act to *amend Section 7311.1 of, and to add Section 7311.25 to,* the Labor Code, relating to employment safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 478, as amended, Wolk. Employment safety: manlifts.

Existing law requires that a conveyance, as specified, be erected, constructed, installed, altered, tested, maintained, serviced, and repaired by a person certified by the Division of Occupational Safety and ~~Health~~ *Health* as a certified competent conveyance mechanic.

This bill would *require that an elevator company disclose its status as a certified qualified conveyance company prior to bidding on a project or contracting for services. The bill would* authorize the owner or operator of agricultural production, processing, and handling facilities, as defined, to, ~~instead,~~ designate a competent employee *who is not required to be a certified competent conveyance mechanic* to maintain and test, as specified, the manlifts used at the facilities.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 7311.1 of the Labor Code is amended to*
2 *read:*
3 7311.1. (a) On and after June 30, 2003, no conveyance subject
4 to this chapter shall be erected, constructed, installed, materially

1 altered, tested, maintained, repaired, or serviced by any person,
2 firm, or corporation unless the person, firm, or corporation is
3 certified by the division as a certified qualified conveyance
4 company. A copy of the certificate shall be kept at the site of the
5 conveyance at all times while any work is in progress, and shall
6 be made available for inspection upon request. However,
7 certification under this section is not required for removing or
8 dismantling conveyances that are destroyed as a result of the
9 complete demolition of a secured building or structure or where
10 the hoistway or wellway is demolished back to the basic support
11 structure and no access is permitted that would endanger the safety
12 of any person. This section does not apply to platform lifts and
13 stairway chairlifts installed in a private residence as provided in
14 paragraph (2) or (3) of subdivision (a) of Section 7317.

15 (b) Before March 1, 2003, the division shall establish an
16 application procedure and all requirements for certification under
17 this section as a certified qualified conveyance company, consistent
18 with this section. At a minimum, the individual qualifying on
19 behalf of a corporation, the owner on behalf of a sole ownership,
20 or the partners on behalf of a partnership, shall meet either of the
21 following requirements:

22 (1) Five years' work experience at a ~~journey person~~
23 *journeyperson* level in the conveyance industry in construction,
24 installation, alteration, testing, maintenance, and service and repair
25 of conveyances covered by this chapter. This experience shall be
26 verified by current and previously licensed elevator contractors or
27 by current and previously certified qualified conveyance
28 companies.

29 (2) Satisfactory completion of a written examination
30 administered by the division on the most recent applicable codes
31 and standards.

32 (c) At a minimum, each application for certification as a certified
33 qualified conveyance company shall include:

34 (1) The name, residence and business address, and telephone
35 numbers and other means to contact the sole owner or each partner,
36 or for a corporation of the principal officers and the individual
37 qualifying for the corporation; the number of years the applicant
38 business has engaged in the business of constructing, maintaining,
39 and service and repair of conveyances; and other information as
40 the division may require.

1 (2) The fee required by this chapter.

2 (d) Before bidding for or engaging in any work covered by this
3 chapter, a certified qualified conveyance company shall submit
4 proof to the division by certified copies of policies or certificates
5 of insurance, of all of the following:

6 (1) Liability insurance providing general liability coverage of
7 not less than one million dollars (\$1,000,000) for injury or death
8 of any one person or persons in any one occurrence, with coverage
9 of not less than five hundred thousand dollars (\$500,000) for
10 property damage of any one person or persons in any one
11 occurrence.

12 (2) Workers' compensation insurance coverage.

13 (3) In the event of any material alteration or cancellation of any
14 policy specified in paragraph (1) or (2), the certified qualified
15 conveyance company shall provide written notice thereof to the
16 division within five working days.

17 (e) *An elevator company subject to this chapter shall disclose*
18 *its status as a certified qualified conveyance company prior to*
19 *bidding on a project or prior to contracting for services. The*
20 *disclosure shall be in writing and located in a conspicuous place*
21 *on the bid documents or contract in at least 10-point type.*

22 ~~SECTION 4.~~

23 SEC. 2. Section 7311.25 is added to the Labor Code, to read:

24 7311.25. (a) The following meanings apply for purposes of
25 this section:

26 (1) "Agricultural production, processing, and handling facilities"
27 includes grain elevators, feed mills, flour mills, rice mills, rice
28 dryers, and other similar facilities.

29 (2) "Applicable Elevator Safety Orders" means the Elevator
30 Safety Orders referenced in Subchapter 6 (commencing with
31 Section 3000) of Chapter 4 of Division 1 of Title 8 of the California
32 Code of Regulations, and any successors to those orders.

33 (b) Notwithstanding Section 7311.2 or any other provision of
34 this chapter, an owner or operator of agricultural production,
35 processing, and handling facilities may designate a competent
36 person in his or her employ to maintain, repair, service, lubricate,
37 or test manlifts installed and used at the facilities if the manlifts
38 are maintained and inspected in accordance with applicable
39 Elevator Safety Orders. The designated competent person need
40 not be a certified competent conveyance mechanic.

- 1 ~~(e) The competent person so designated may inspect the manlifts~~
- 2 ~~each month as required by applicable Elevator Safety Orders, but~~
- 3 ~~only a certified competent conveyance mechanic may perform the~~
- 4 ~~annual inspection required by Section 7304.~~